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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,369	11/14/2003	Peter M. Beasley	NETW:1000	9152
34725	7590	07/19/2007		
CHALKER FLORES, LLP 2711 LBJ FRWY Suite 1036 DALLAS, TX 75234			EXAMINER RIMELL, SAMUEL G	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 07/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,369

Applicant(s)

BEASLEY, PETER M.

Examiner

Sam Rimell

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,10,12-15,17-20,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,10,12-15,17-20 and 32-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is inoperative and therefore lacks utility.

Claims 1, 12, 20 and 32: Each of the independent claims 1, 12, 20 and 32 contain the phrase "all the records are linked to one another in a dual closed loop structure". As best as can be understood, a "closed loop" is a closed circular path not connected to any other path. Thus, dual closed loops would be two closed circular paths which are not connected to one another. Since all the records have to be linked to one another and dual closed loops are not connected to each other, it is not possible to link all the records together in a dual closed loop structure. Accordingly, the claimed invention defines an inoperative system and therefore lacks utility.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 10, 12-15, 17-20, 22 and 32-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 includes the phrase “all the records are linked to one another in a dual closed loop structure”. This feature is not recited in the original disclosure. The term terminology “dual closed loop” is only used twice in the original disclosure. Paragraphs 0004 and 0023 of the original specification both state:

“The present invention is specialized to take advantage of the unique characteristics of infrastructures systems using a dual core loop structure to represent the assets ...”

The original specification states that it is the infrastructure, not the records, which use the dual core loop structure. There is no suggestion that the records are actually arranged in this manner. Accordingly, the claimed quotation from claims 1, 12, 20 and 32 is new matter.

Claims 1, 12, 20 and 32: Each of claims 1, 12, 20 and 32 refer to “business interconnection rules”. The terminology or concept of “business interconnection rules” or “interconnection rules” cannot be located in the original disclosure. Accordingly, the feature is new matter.

Claims 2-5, 10, 13-15, 17-19, 22 and 33: Depend from claims 1, 12, 20 or 32 respectively.

Remarks

Applicant's arguments have been considered.

Rejection under 35 USC 101: Applicant's arguments are primarily directed to the features illustrated in FIG. 6A and the associated discussion set forth in paragraph 0071 in the specification. Applicant argues that FIG. 6A and its accompanying discussion in paragraph 0071 illustrate dual closed loop records linked together. In reviewing these features examiner does find either FIG. 6A nor paragraph 0071 to disclose such features. FIG. 6A is only a schematic

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diagram illustrating a life cycle, a water treatment system and a repository. No records are shown and no relationship between records are shown. Paragraph 0071 does provide some information about the extraction of data from closed systems, but does not explain how dual closed systems would be connected within the repository. The reference to “link” at paragraph 0071, line 4 does not appear to be a discussion of linking one closed loop of records to another closed loop of records.

Lacking any specific direction from the disclosure on this point, the question becomes whether the skilled artisan could understand how to build interconnections between closed loops of records. The person of ordinary skill in the art of data modeling would see a contradiction between the requirement for “closed loops” and the requirement for “connected loops”. If the “closed” loops were in fact “interconnected”, they would no longer be closed, so two requirements cannot be reconciled with each other.

Given these considerations, the rejection under 35 USC 101 is maintained.

Rejection under 35 USC 112, first paragraph: Examiner has held that “all the records are linked to one another in dual closed loop structure” is new matter. Applicant argues that this feature is taught in paragraphs 0004, 0023 and 0071. Paragraph 0004 discusses a dual closed loop structure, but does not contain any mention of such structures being connected together. Paragraph 0023 refers to the same “dual closed loop structure” but no mention of the interconnection of the structures. Paragraph 0071 does provide some information about the extraction of data from closed systems, but does not explain how dual closed systems would be connected within the repository. The reference to “link” at paragraph 0071, line 4 does not appear to be a discussion of linking one closed loop of records to another closed loop of records.

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Additionally, examiner has also considered paragraph 0006, which states that records are linked in closed loop hierarchical fashion, but makes no mention of dual closed loops linked together.

Given these considerations, the rejection under 35 USC 112, first paragraph is maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell
Primary Examiner
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